

OFFICIAL COMMENT 7100 N. Greenview Ave.
Chicago, IL. 60626-2629
January 15, 2010

Mary Ann Stevens
Rules Development Branch, Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave. MC 65-41
Indianapolis, Indiana 46204-2251

RE: LSA Document #08-764 (Antidegradation)

Dear Ms. Stevens:

I am submitting this public comment because I strongly believe that Lake Michigan deserves the highest level of protection from new or increased pollution. Indiana's proposed antidegradation rule must be strengthened to protect water quality as the Clean Water Act intended. Indiana's federally mandated water quality rule as currently proposed, still fails to protect Lake Michigan. Despite having been introduced two years ago and the subject of four public meetings, the draft rule contradicts the intent of federal antidegradation policy which is meant to protect water quality while working to comply with existing standards.

Indiana's rule is inadequate because it would trigger an antidegradation review only when a new or increased discharge would increase the level of a pollutant to the degree it poses a potentially "detrimental effect" on lake uses.

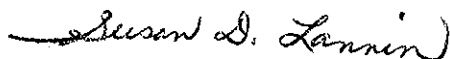
The rule includes several unjustified exemptions, and excludes phosphorus, sediment and other key pollutants for which no thresholds exist from protective provisions, even though these pollutants are known to harm water quality.

The rule exempts so-called "de minimis" -- or low-level -- new pollution discharges from a federal requirements that the pollution be a necessary byproduct of important local economic or social benefit.

Using the methods proposed in the draft rule, state regulators could permit multiple new low-level discharges of a pollutant that together have a significant cumulative impact on Lake Michigan's water quality, without any evidence that the additional pollution is justified.

Please work to strengthen the federally mandated rule, which sets a limit for how much new pollution can be discharged to Lake Michigan and other waterways in the state.

Sincerely,



Susan D. Lannin.